

RECEIPT # 54028  
 AMOUNT \$ 15.00  
 SUMMONS ISSUED 1/1  
 LOCAL RULE 4.1 \_\_\_\_\_  
 WAIVER FORM \_\_\_\_\_  
 MCF ISSUED \_\_\_\_\_  
 BY DPTY. CLK. pr  
 DATE 2-23-04

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT DEPARTMENT  
 OF THE TRIAL COURT  
 CIVIL DOCKET NO.: MICV2003-05065-L2

THOMAS J. MCNAMARA, )  
 Plaintiff )  
 )  
 v. )  
 )  
 MASSACHUSETTS WATER RESOURCES )  
 AUTHORITY, LEROY WALKER, PETER )  
 YARROSI, CAROLYN FIORE, VICTOR )  
 L'ESPERANCE and KAREN BAILEY, )  
 Individually and in their capacities as Agents )  
 Of the Massachusetts Water Resources )  
 Authority, )  
 Defendants )

04 10 356 WGY

MAGISTRATE JUDGE

*Collings*NOTICE OF REMOVAL PURSUANT TO 28 U.S.C. § 1446

Pursuant to 28 United States Code, § 1446, the Massachusetts Water Resources Authority (MWRA), Leroy Walker (Walker), Peter Yarrosi (Yarrosi), Carolyn Fiore (Fiore), Victor L'Esperance (L'Esperance), Karen Bailey (Bailey), defendants in a state lawsuit captioned Thomas J. McNamara v. MWRA, et al., Middlesex Superior Court Civil Action No. MICV2003-05065-L2 (the State Court Action), request the removal of the State Court Action to the United States District Court for the District of Massachusetts.

The basis for the Notice of Removal is that the State Court Action asserts claims arising under the laws of the United States, *i.e.*, section 503 of the Rehabilitation Act of

1973, as amended, Vietnam Era Veteran's Readjustment Assistance Act of 1974, as amended and the Second Amendment to the United States Constitution.

Filing of the instant notice of removal is timely pursuant to 28 U.S.C. § 1446(b), as the defendant MWRA, was served on January 27, 2004 with the summons and complaint in the State Court Action, defendants, Walker, Yarrosi, Fiore, L'Esperance, and Bailey were each served with the summons and complaint in the State Court Action on January 26, 2004.

Attached hereto are copies of the Complaint and Demand For Jury Trial; the summonses served upon defendants MWRA, Leroy Walker, Peter Yarrosi, Carolyn Fiore, Victor L'Esperance, Karen Bailey; discovery propounded to various defendants; and the Middlesex Superior Court Tracking Order.

Respectfully submitted,

MASSACHUSETTS WATER  
RESOURCES AUTHORITY,  
LEROY WALKER, PETER YARROSSI,  
CAROLYN FIORE, VICTOR  
L'ESPERANCE AND KAREN BAILEY,  
Defendants

By their attorney,



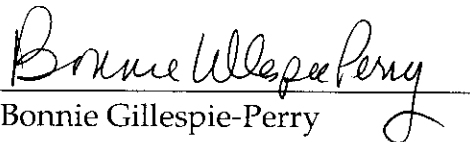
Bonnie Gillespie-Perry  
Senior Staff Counsel  
BBO #554747  
MWRA  
100 First Avenue  
Charlestown Navy Yard  
Boston, Massachusetts 02129  
(617) 788-1181

Dated: February 23, 2004

CERTIFICATE OF SERVICE

I, Bonnie Gillespie-Perry, hereby certify that on this 23th day of February, 2004, I served the foregoing by causing a copy of the Notice of Removal Pursuant to 28 U.S.C. § 1446 to be mailed, first class postage prepaid, to the following:

Gary G. Nolan, Esq.  
Nolan Perroni LLP  
133 Merrimack Street  
Lowell, Massachusetts 01852

  
Bonnie Gillespie-Perry